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9 Attorneys for the United States

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CR No.: 3-08-70096 MEJ
14)
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME
17 TIMOTHY CRAIG,)
18 Defendant.)

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21 On February 21, 2008, defendant was charged in a criminal complaint. On February 25,
22 2008, defendant was arraigned on the complaint and entered a plea of not guilty. On February
23 25, 2008 the government moved that defendant be detained pending trial, and this Court set a
24 detention hearing date of March 7, 2008. On March 7, 2008, the parties appeared for the
25 detention hearing, at which time both parties requested, and the Court agreed, to continue the
26 hearing until March 25, 2008. The parties further stipulated and, defendant specifically
27 consented, that, pursuant to Federal Rule of Criminal Procedure 5.1(d), the time limits set forth
28 in Rule 5.1(c) be excluded from March 7, 2008, to and including March 25, 2008. This Court

1 accordingly agreed to extend the time for a preliminary hearing, taking into account the public
 2 interest in the prompt disposition of criminal cases. Fed. R. Crim. P. 5.1(d). The government's
 3 pending motion for detention automatically tolled the time under the Speedy Trial Act. *United*
 4 *States v. Vo*, 413 F.3d 1010, 1016 (9th Cir. 2005).

5 On March 25, 2008 the parties appeared for the detention hearing and the setting of a
 6 date for the preliminary hearing in this case. The parties requested, and this Court agreed, to
 7 continue the detention hearing until April 24, 2008. The parties further stipulated and, defendant
 8 specifically consented, that, pursuant to Federal Rule of Criminal Procedure 5.1(d), the time
 9 limits set forth in Rule 5.1(c) be excluded from March 25, 2008, to and including April 24, 2008.
 10 This Court accordingly agreed to extend the time for a preliminary hearing, taking into account
 11 the public interest in the prompt disposition of criminal cases. Fed. R. Crim. P. 5.1(d).

12 The government's pending motion for detention automatically tolls the time from March
 13 24, 2008 through April 24, 2008 under the Speedy Trial Act. *United States v. Vo*, 413 F.3d
 14 1010, 1016 (9th Cir. 2005). In addition, the parties agree that – taking into account the public
 15 interest in prompt disposition of criminal cases – good cause exists for this extension. Defense
 16 counsel continues to review the computer evidence seized in this case. The parties agree that
 17 granting the continuance is necessary for effective preparation of defense counsel, taking into
 18 account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also
 19 agreed that the ends of justice served by granting such a continuance outweighed the best
 20 interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

21 IT IS SO STIPULATED:

22 JOSEPH P. RUSSONIELLO
 23 United States Attorney

24 DATED: March 27, 2008

25 \s\
 26 ALLISON MARSTON DANNER
 Assistant United States Attorney

27 DATED: March 27, 2008

28 \s\
 STEVEN G. KALAR
 Attorney for Timothy Craig

1 For the reasons stated above, the Court finds that exclusions of time from March 7, 2008
2 through March 25, 2008 and from March 25, 2008 through April 24, 2008, are warranted and
3 that the ends of justice served by the continuances outweigh the best interests of the public and
4 the defendant in a speedy trial and prompt disposition of criminal cases. *See* 18 U.S.C. §3161
5 (h)(8)(A); Fed. R. Crim. P. 5.1(d). Failure to grant the requested continuances would deny
6 defendant reasonable time necessary for effective preparation, taking into account the exercise of
7 due diligence. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

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9 IT IS SO ORDERED.

10 DATED: _____

11 THE HON. JOSEPH C. SPERO
United States Magistrate Judge

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